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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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STANLEY T CROOKE

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EXAMINER

MCGARRY, SEAN

ART UNIT

PAPER NUMBER

1635

MAIL DATE

DELIVERY MODE

12/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Non-Responsive Election

The reply filed on 8/25/08 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicants election of the species “2’fluoro substituted nucleosides” is noted, however applicant has not fully complied with the requirement to provide a listing of the claims that encompass the elected species. Applicant argues that all of the 115 pending claims read on the elected species, even those that recite other species and not the elected species. This rational defeats the purpose of the requirement. Applicant should review the claims and present a listing that identifies those claims that are generic to the elected species and those that recite the elected species. Claims that recite other species and not the elected species are not considered claims that read on the elected species. A search of claims that recite other species and not the elected species requires a search that does not include the elected species, for example. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean R. McGarry whose telephone number is (571) 272-0761. The examiner can normally be reached on M-Th (6:00-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Douglas Schultz can be reached on (571) 272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sean R McGarry
Primary Examiner
Art Unit 1635

/Sean R McGarry/
Primary Examiner, Art Unit 1635